Application Number: MC/13/1460

Recommendation - Application for Prior Approval Required
For the reasons for this recommendation please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal
This notification application is made to determine whether prior approval is required for the demolition of unit 1. The submission indicates that the building is located to the west of Sharsted Way in Hempstead.

Relevant Planning History

MC/13/1491	Variation of condition 2 to allow a minor material amendment to planning permission MC/12/1873 - Increase of size of unit N12; rearrangement of layout of unit N20; alteration to make single storey store for unit N10; relocation of fire escape; reduction of size of unit N8; relocation of community centre and management suite entrance and canopy extended Current Application
MC/12/1873	Part demolition of, and alteration to the existing southern mall of the Hempstead Valley Shopping Centre and the adjacent building, and redevelopment for mixed use scheme comprising Use Class A1, A2 and A3 (shops; financial and professional services; food and drink establishments) D1 and/or D2 (non residential institutions; assembly and leisure). Improvements to and development of new public realm and landscaping and reconfigured car parking and provision of new public transport and taxi waiting facilities. Approved with s106 15 April 2013
MC/10/2971	Outline application for part demolition of, and alterations to existing so malls and the adjacent freestanding building, and redevelopment for comprising use classes A1, A2, A3 and/or A5 (Shops; Financial and Pr Food establishments), D1 and/or D2 (Non-residential institutions; assemb car parking facilities. Improvements to and development of new public rea and alterations to vehicular access points and provision of new public waiting facilities Approval With Conditions 4 January 2011

Representations
Given the provisions of the Regulations and nature of the proposals there is no requirement to undertake consultations, however, the applicant has advertised the application on or near the land on which the building to be demolished is sited.

Development Plan

The Development plan for the area comprises the Medway Local Plan 2003. The policies referred to within these documents and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Background
The application site presently comprises of a detached vacant building. A planning application has been approved on the site for the demolition of this building and the redevelopment of the site with a free standing building comprising A3 and A2 uses. A current application is with the Council for determination, to make changes to the layout of the approved scheme and as such the applicants have put in a prior notification application for the demolition of this unit ahead of the determination of the current scheme and the discharge of any conditions.

The legal background for the submission comprises the Town and Country (General Permitted Development Order) 1995 (as amended), Circular 10/95 (Planning Controls Over Demolition) and the legal challenge *R (SAVE Britain's Heritage)* v *SOS* 25/3/11.

Schedule 2, Part 31 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) sets out the consideration in whether building operations consisting of the demolition of buildings is considered permitted development. Apart from where demolition is urgently necessary in the interests of health and safety and where the buildings are not covered by excluded demolition (subject to an extant planning permission for redevelopment, or subject to an obligation corresponding to section 106 of the Town and Country Planning Act 1990), an application is required to be made to the LPA to determine as to whether the prior approval is required for the method of demolition and any proposed restoration of the site.

Street Scene
The application site comprises a redundant steel framed building arranged over a partial basement floor, a ground floor and a small mezzanine floor. Consent was granted on 15 April 2013 for this building to be demolished and the building replaced with new A3 restaurant units and one A2 bank/building society, together with a new active frontage with canopy and building cantilevers to provide a sheltered and safe bus pick-up and taxi drop off/waiting area. Due to the fact the Council have a current application under reference MC/13/1491 the timescale for the new works is not set and as such should the building be demolished and the site left vacant the LPA would wish to have control over the future restoration of the site, indeed the submitted report “3564 Demolition” at part 85 – Site Condition at Completion states “1.8m high Heras fencing and loose rubble ground finish to protect site from unauthorised parking/camping" this is not considered acceptable in this highly visible location. As such, an application for prior approval would be required by way of the provisions of Policy BNE1 of the Medway Local Plan 2003.

Neighbouring Amenity
Considering this site is in close proximity to residential properties, concern is raised that the noise resulting from the proposed demolition of the buildings could impinge upon the amenities of nearby residents. The submitted demolition method statement provides only generic information and is focused on Health and Safety and not on the environment. The

planning Statement refers to the shopping centre but there is no reference to residential dwellings. The statement is not site specific and refers to general information such as “where possible” and “kept to a minimum”. As such the information is insufficient as to how noise and disturbance arising from the demolition will be mitigated. Accordingly, to ensure that neighbouring amenities are maintained, an application for prior approval is required by way of the provisions of Policies BNE2 and BNE3 of the Medway Local Plan 2003.

Highways
The demolition raises no highway objection, as the impact upon the flow of traffic resulting from the demolition cannot be considered as part of this application.

Trees
Views to and from the shopping centre are characterised by existing mature trees, as such the trees need to be fully considered. The submitted Planning Statement for Demolition is insufficient it does not mention the erection of any tree protection barrier, there is no Nelson Street at Hempstead Valley Shopping Centre, suggesting that this is a generic document, which hasn't been properly adjusted to suit the constraints of this site.

The Arboricultural Implications Report for Hempstead Valley Shopping Centre is the same as that submitted for the original consent MC/12/1873. It serves to confirm that the trees identified for protection in accordance with BS 5837 on the Demolition Plan - Drawing 001 Rev C, are identified for removal under MC/12/1873. This document does not show how trees identified for retention under MC/12/1873 will be protected during the demolition works.

Accordingly, to ensure that the trees are protected, an application for prior approval is required by way of the provisions of Policy BNE43 of the Medway Local Plan 2003.

Conclusions and Reasons for Prior Approval Required

By way of the visual harm potentially caused by the absence of the restoration details resulting from the proposed demolition of the building, the potential significant harm caused to nearby residents amenities and the impact on the trees to be retained, the LPA concludes that Prior Approval is required to regulate the details of demolition and restoration in order to minimise the impact on local amenity.

See draft decision notice

CASE OFFICER	**AUTHORISING OFFICER**
DATE	**DATE**